Before the Federal Communications Commission Washington, D.C. 20554 FILED/ACCEPTED

DEC 2 2 2009

Federal Communications Commission Office of the Secretary

	)	
In the Matter of	)	
Data Sought on Uses of Spectrum	)	GN Docket Nos. 09-47, 09-51, 09-137
NBP Public Notice #26	)	
	)	

#### **COMMENTS OF THE WALT DISNEY COMPANY**

These comments are submitted on behalf of The Walt Disney Company and the ABC Owned Television Stations, which through subsidiaries own ten television stations in the following markets: New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Raleigh-Durham, Fresno, Flint, and Toledo. Disney also owns The ABC Television Network (again, through subsidiaries). These comments are being filed in response to the Broadband Public Notice seeking comment and data on the "use of spectrum currently licensed to broadcast television stations."

These comments address a few specific questions raised in the Public Notice, in particular those that ask for detail on how broadcasters are using spectrum and for detail on data allocations for HD and SD streams broadcast over one 6 MHz spectrum allocation. In April 2009, the ABC Owned Stations Television launched a new programming network, entitled the Live Well HD Network, and which is broadcast as a multicast channel by the ABC Owned Television Stations (covering 24% of the country). The Live Well HD Network consists of *original* programming, created exclusively for the Live Well HD Network.

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Since launching in April 2009 with six ½ hour programs, Live Well HD has created over 150 original episodes. Examples of the Live Well HD Network programming include "Motion" (an outdoor/activity program), "Let's Dish" (an Emmy-nominated cooking show about the joy of healthy cooking), and "Say Ahh..." (a program with expert health advice). Attached to these comments is a detailed description of the Live Well IID Network, as well as a DVD with clips of the Live Well programming. In addition to Live Well HD programming, a number of the ABC Owned Television Stations also air local programming on their second DTV channel, including local sports (high school and college football, minor league baseball, and high school basketball), local public affairs, and election results. By way of example, WLS in Chicago will be hosting no less than six debates between candidates for various offices during next year's primary election season and will be running them live on its second digital channel.<sup>2</sup> Based on Nielsen's ratings, the audience for the ABC Owned Television Station's multicast programming is growing. For example, in Houston, during the November 2009 sweeps period, more than of 8% of households tuned into KTRK's second channel. And, in Los Angeles and Chicago, more than 5% of households tuned into KABC's and WLS' second channel. In addition to their programming on their second digital channel, the ABC Owned Television Stations also air AccuWeather (SD) as a third multicast channel.

Turning to the technological questions asked in the Public Notice, the ABC Owned

Television Stations are able to broadcast a second HD program because they have adopted use of

<sup>&</sup>lt;sup>1</sup> The DVD is attached to the hand-delivered version of the filing.

WLS will be hosting the debates in conjunction with League of Women Voters and the Better Government Association and the featured offices will be United States Senator, Illinois Governor and Cook County Council President. Because these are primary debates, the Republican and Democratic Parties will each have one debate per office. See Radio Business Report (Dec. 21, 2009, Volume 26. Issue #246).

ATSC encoding systems that employ Statistical Multiplexing. The Statistical Multiplexing algorithm analyses the complexity of pictures in all of the channels and allocates bits across all of program channels based on priorities assigned to each channel, taking bits from less complex pictures on Live Well HD and AccuWeather and making them available to the ABC Network program if required, and vice versa. The stations also carefully manage against having more than one channel's programming containing complex video at any single instance. For example, the stations generally do not schedule sports broadcasts on the main channel against a sports broadcast on the Live Well HD channel.

On a broader policy level, the Public Notice seeks comment on the impact to "public welfare" if the coverage of over-the-air broadcasting is diminished. In the view of the ABC Owned Stations, the impact on the public welfare would be substantial. The ABC Owned Television Stations' recent experience during the DTV transition is illustrative on this point. During the transition from analog to digital television, the ABC Owned Television Stations developed an even closer relationship with their viewers than they previously had. This is because the ABC Owned Television Stations conducted massive public awareness campaigns prior to the transition, including holding their own and attending many town hall meetings and participating in and conducting their own phone banks. After the transition date, the staffs of the ABC Owned Television Stations dealt with viewers one-by-one as the Stations responded to the thousands of phone calls to the stations complaining that viewers could no longer receive the programming on which they had come to rely. From this experience, it became evident that there is an important (and vocal) segment of the population that still depends on over-the-air reception.

Nielsen's latest numbers indicate that the number of over-the-air viewers is significant. According to Nielsen, as of November 2009, there are approximately 11.3 million over-the-air-only households in the United States and 2.3 million over-the-air-only households in the seven largest markets in which the ABC Owned Television Stations operate. Although many of these households may not currently own a high-definition television set, these over-the-air viewers can already enjoy multicast broadcasts. And, as the price of high definition television sets declines rapidly, these viewers may soon be able to enjoy full high-definition viewing as well. If the FCC were to reduce the amount of spectrum devoted to over-the-air digital broadcasts, these viewers would be disenfranchised from the full benefits of digital television.

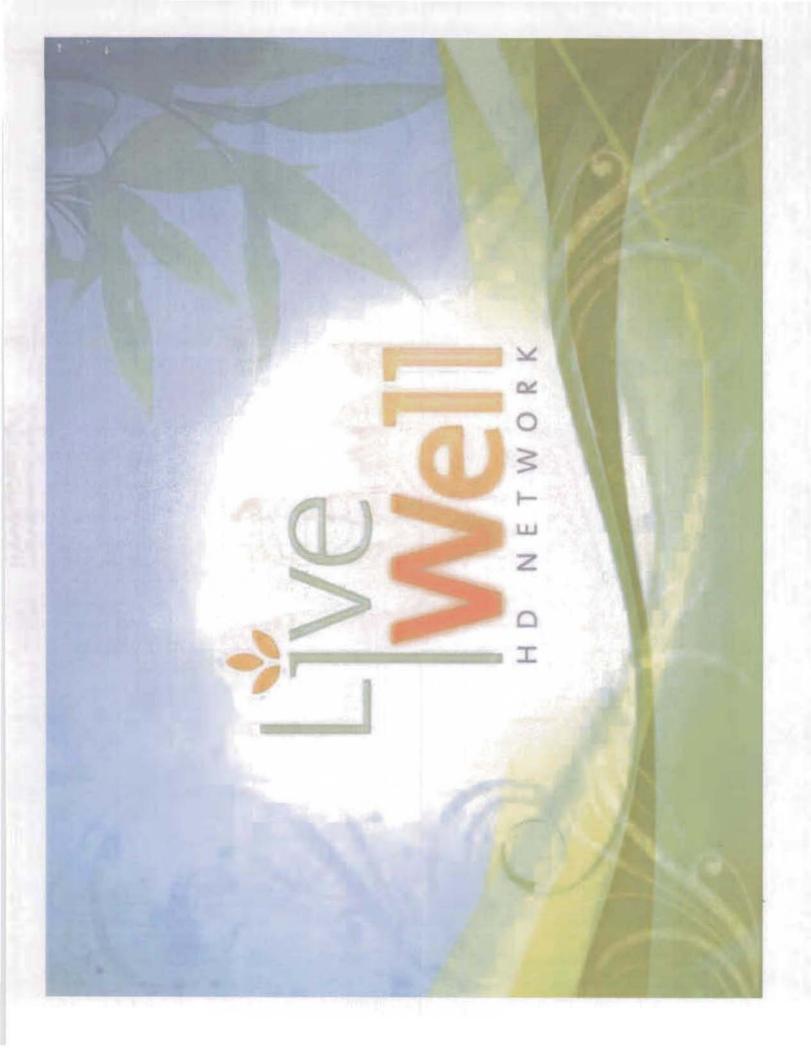
The ABC Owned Television Stations continue to expend substantial resources to improve their digital transmission facilities so that they can reach all their former analog viewers. For example, in Chicago, WLS is in the process of an expensive and complicated phased transition from broadcasting on channel 7 to broadcasting on channel 45, in order to better reach its former analog over-the-air viewers. In other markets, the ABC Owned Television Stations similarly have expended resources to enter into cooperative arrangements with neighboring broadcasters so that the stations can better reach their former analog viewers. The ABC Owned Television Stations remain committed to serving their over-the-air viewers with *all* the benefits of their digital broadcast signals and respectfully submit that over-the-viewers should continue to have available to them the full benefits of the digital television transition. Therefore, Disney and the ABC Owned Television Stations strongly recommend that the National Broadband Plan refrain from recommending any television broadcast spectrum reduction or reallocation.

#### Respectfully submitted,

#### /s/ Susan L. Fox

Vice President, Government Relations
The Walt Disney Company
425 3<sup>rd</sup> Street, Southwest, Suite 1100
Washington, D.C. 20024
(202) 222-4700

December 22, 2009



#### **Live Well HD Content and Distribution**

The Live Well HD Network launched in April 2009 to deliver fresh, quality HD programming to viewers.

A destination where content, active viewers and your marketing message come together.

An On-Air, Online and Wireless destination; High Definition conversations.

360 degrees of content, information, participation, community.



#### Live Well HD Content and Distribution

#### Street Buzz!

"I'm glad you show the programs more than once to meet my non-routine life."

Carmelita B., Chicago, IL

"Thoughtful answers to difficult questions..." Sally S., Beverly Hills, CA

"Where can I order DVDs of these programs?" Paul, Los Angeles, CA "I can't wait to see what is next!" Benjamin, Chicago, IL

"I appreciate authenticity.

Keep it up, please."

Maria P., King of Prussia, PA

"Thank you for quality TV..."

T. Miller, North Hollywood, CA



#### 24% U.S. Coverage for ABC Owned Station Markets



# Live Well HD Programming

Since then, we have created over 150 original episodes, some of which are local Emmy nominees! The Live Well HD Network successfully launched April 2009 with six 1/2 -hour programs.























Click on any show to jump to that page, or click here to watch a video overview.

#### Live Well HD Sample Schedule

**Starting 1/11/10** 

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
5:00A	Say Ahh	Say Ahh	Say Ahh	Say Ann	Say Ahh	Say Ahh	Say Ahh
5:30A	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish
6:00A	One Plate	One Plate	One Plate	One Plate	One Plate	One Plate	One Plate
6:30A	Evday Living	Evday Living	Evday Living	Evday Living	Evday Living	Evday Living	Evday Living
7:00A	Green House	Green House	Green House	Green House	Green House	Green House	Green House
7:30A	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life
8:00A							
8:30A	Paid/Local						
9:00A							
9.30A							
10:00A	Motion	Motion	Motion	Motion	Motion	Motion	Motion
10:30A	Live Green	Live Green	Live Green	Live Green	Live Green	Live Green	Live Green
11:00A	Flashdrive	Flashdrive	Flashdrive	Flashdrive	Flashdrive	Flashdrive	Flashdrive
11:30A	Money	Money	Money	Money	Money	Money	Money
12:00P	Mirror Mirror	Mirror Mirror	Mirror Mirror	Mirror Mirror	Mirror Mirror	Mirror Mirror	Mirror Mirror
12:30P	Home w/Quinn	Home w/Quinn	Home w/Quinn	Home w/Quinn	Home w/Quinn	Home w/Quinn	Home w/Quin
1:002		-				11.15	
1:30P				Paid/Local			
2:00P							
2:30P							
3:00P	Say Ahh	Say Ahh	Say Ahh	Say Ahh	Say Ahh	Say Ahh	Say Ahh
3.30P	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish	Lets Dish
4:00P	One Plate	One Plate	One Plate	One Plate	One Plate	One Plate	One Plate
1:30P	Evday Living	Évday Living	Evday Living	Evday Living	Evday Living	Evday Living	Evday Living
5:002	Green House	Green House	Green House	Green House	Green House	Green House	Green House
5:30P	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life	Advice Life
5:00P				Paid/Local			
5.30P	The same of the sa						
7.00P	Motion	Motion	Motion	Motion	Motion	Motion	Motion
					7	Thu Carrie	
	Live Green	Live Green	Live Green	Live Green	Live Green	Live Green	Live Green
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7:30P 8:30P 8:30P 8:30P 9:30P 9:30P 10:30P 11:30P 11:30P	Flashdrive Money Mirror Mirror Home w/Quinn  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quinn  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quinn  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quinn Paid/Local  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quinn  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quinn  Say Ahh Lets Dish One Plate	Flashdrive Money Mirror Mirror Home w/Quin  Say Ahh Lets Dish One Plate Evday Living
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LET'S DISH

HOME WITH

ADVICE FOR LIFE

SAY AHH!

**GOTTA KNOW** 

EVERYDAY LIVING

MARY
TALKS MONEY

SAVE MY PLANET

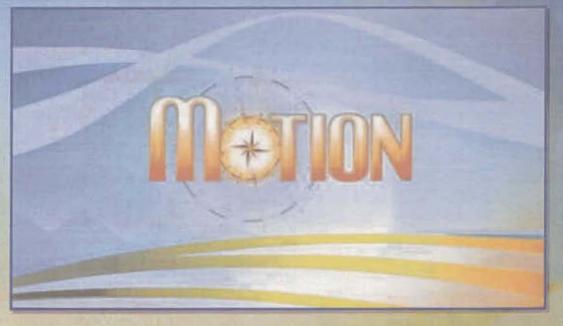
MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

#### MOTION

Outdoor/activity program.
encourages viewers to get off the
couch
and experience the great outdoors
without going to extremes.

- \*Experienced adventure guide Greg Aiello hosts
- Empowers viewers to try something new fun, easy-to-do outdoor activities
- \*Expert advice info about gear, food, exercise
- \*Stunning photography, easy-to-watch style, step-by-step graphics to make the outdoor experience exhilarating, safe and fun
- \*Show explores mountain biking, kayaking, bird-watching, hiking, camping, snowmobiling, cross-country skiing as well as outdoor photography, backyard garden and more.

Produced by KFSN-TV/.com





The talent can wear your apparel and show off your gear



The talent can drive your car



The talent can go to your destinations, or use your travel services



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GOTTA KNOW

LET'S DISH

TALKS MONEY

MARY

HOME WITH LISA QUINN

SAVE MY PLANET

ADVICE FOR LIFE

PLATE AT A TIME MEXICO: ONE

SAY AHH!

MY GREEN

HOUSE

A fast-paced multi-segment that tackles Beauty show, inside and out. everything that will improve your outlook.

medical breakthroughs that affect how you look body-savvy diet and exercise routines that can and feel, anti-aging therapies, what works and what doesn't, cutting-edge plastic surgery and \*Fashion trends and insider secrets: the best in make-up, hair, skincare and beauty tips, make you look years younger.

Specific shows look at:

- No Knife Eye Lift
- \*Best Jeans for your butt
- \*Top 10 Fashion Must-Haves on a Budget
- ·Foods for Super Skin
- From Frumpy to Fabulous
- Strike a Pose: Look great in photos



# Integration Opportunities



your beauty products Cosmetto Corner



of your brand of jeans viewers pick the style A segment can help to fit their body best. The Jeans Scene:



featured during workout Norkout Wonderwear



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GOTTA KNOW

**EVERYDAY LIVING** 

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TALKS MONEY

SAVE MY PLANET

MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

#### LET'S DISH

Delicious and Healthy Lifestyle.

A renowned chef serves up tantalizing dishes that make it easy for you and your family to eat right.

•From main courses to deserts to munchies, "Let's Dish" will show you how to cook things that are good for body, mind and soul and have fun doing it.

\*Each week viewers will experience the joy of cooking healthy. Our motto: "You never have to sacrifice delicious in order to be healthy!

Produced by WLS-TV/.com





Cook With Style, Cook With [Your Brand]! Be an integral part of the delicious featured recipes.



Outfit our kitchen with your hottest appliances!



Set The Table and Entertain Your Guests Before and after the meal, your products can be featured



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GOTTA KNOW EVERYDAY LIVING

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#### HOME WITH LISA QUINN

Expert advice on home improvement.

A decorating how-to show that keeps both high design and your pocket book in mind

- •Inexpensive but stylish decorating solutions.
- \*Simple projects around the house to improve home and lifestyle.
- \*Room makeovers and overhauling outdoor spaces.
- \*Tips on cleaning, recycling, decorating, holiday table settings, etc.
- Tackling a home renovation or staging for resale.

This show is furnished by... [Your Brand]!



Color Me [Your Brand]: Paint, Carpet, Walls yours!



Plug In [Your Brand]: Turn a house into a hi-tech home with your innovative electronics equipment.



Produced by KGO-TV/.com



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#### ADVICE FOR LIFE

Interactive "Life Coach" advice show.

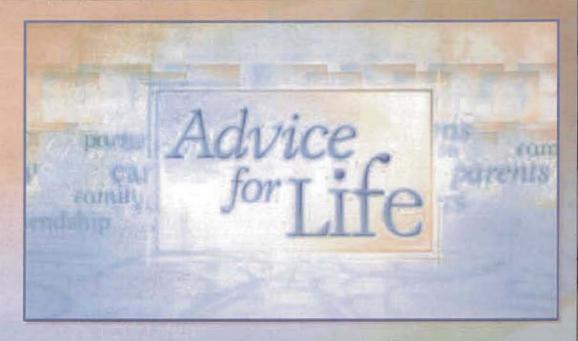
Today, coaching plays an important role in human development.

This is your answer to personal growth and overall satisfaction.

#### Featured Topics include:

- Stress Management
- \* Personal Empowerment
- Spirituality
- · Emotional Intelligence
- Self-Mastery
- · Balance

Produced by KABC-TV/.com





Investment Assessment, featuring your Financial Institution's expert advice.



Destination: Uplift Showcase how your Travel and Leisure company increases Quality of Life



Reboot Yourself: Using your company's computer technology to simplify viewers' lives



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#### SAY AHH...

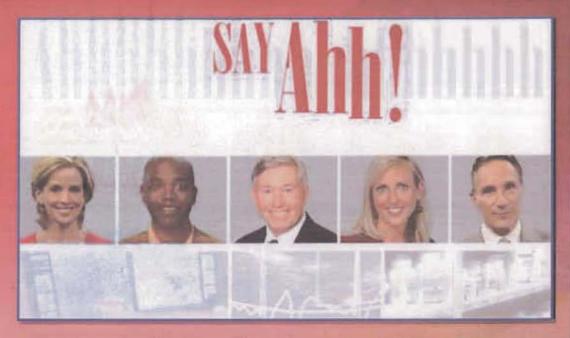
Health know-how in a heart beat. Become informed and enlightened via expert advice and compelling stories.

Whether you're concerned about digestion or want to know more about depression, Say Ahh... has the answers. It's a great guide to everything health.

#### Featured Topics include:

- \*Allergies and Asthma
- \*Bones and Joints
- \*Cancer
- \*Early Childhood Screening
- \*Eating for a Healthy Heart
- \*Blood Pressure Readings

Produced by Answers Media in association with WLS-TV/.com





Your financial or insurance company can share information on how to get the most money out of your health budget



Medical Marvels with [Your Brand]



Nutrition Nation— Your healthy food brands show the way to a better life.



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SAY AHH!

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MY GREEN HOUSE

#### **GOTTA KNOW.**

Gotta Know is a weekly half hour show debuting on Live Well HD in January.

It's geared toward anyone whose life has been touched by technology....in other words, everyone.

From the millennial that eats and breathes all things digital to the baby boomer that may be ipod challenged this is a show where you'll get the low down on high tech and what's cutting edge but without the intimidation factor. Gotta Know is about making technology accessible....even fun! Those more Geek-inclined will want to hear about the latest gadgets and gizmos coming online while the soccer mom can find out how technology can help her with the kid's homework and get her out of the grocery store faster.

Fashion, Entertainment, Business, Medicine, Shopping, Sports, Aging, Cooking, Travel... you name it and **Gotta Know** will shed the spotlight on all the new gadgets, programs, applications and products that impact our everyday lives. We'll have interactive chats via skype, demos, interviews and a taste of technology's wackier side with some off the wall inventions that are sure to be the talk around the water-cooler.





Gotta share your brand!



Gotta show off your latest products!



Gotta great design?



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MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

#### SAVE MY PLANET

Reducing Our Carbon Footprint.

Learn how to embrace a "green"

lifestyle.

•Get great advice from the experts. Learn how to live green and stay green.

#### Featured Topics include:

- ·Going Green in an Urban Environment
- \*Teaching Kids About Green Choices
- Energy Efficiency
- \*One Person Can Make a Difference

Produced by Answers Media in association with WLS-TV/.com

## SAVE MY PLANET

#### Integration Opportunities



Show how your brand can help green a home.



Feature eco-friendly products.



Capitalize on green decor in the home.



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MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

#### MARY TALKS MONEY

Financial smarts for everyone.

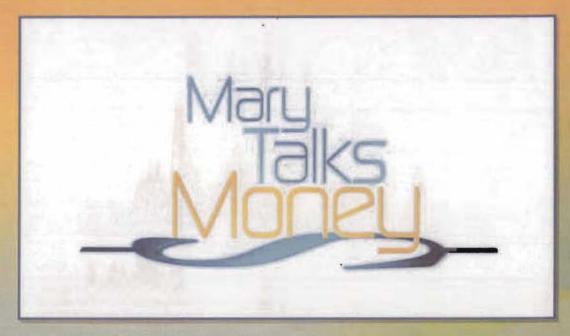
When money matters, Mary Talks Money is here to help consumers better understand how to gain financial control of their future

Money is your guide to financial freedom.

Weather your concerned about teaching your kids about money or getting yourself out of credit card debt Mary Talks Money is your answer to money management at its finest.

#### Featured Topics Include:

- \*Kids Money Management
- \*Friends and Money
- \*Credit Card Tips
- ·Coupons
- \*Shopping Smart





Get in touch with the online consumer and show them how to be more savvy with your brand



Show buyers where to spend their money



Capitalize on your brands coupons, where they are featured and more



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LET'S DISH

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SAY AHHI

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SAVE MY PLANET

MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

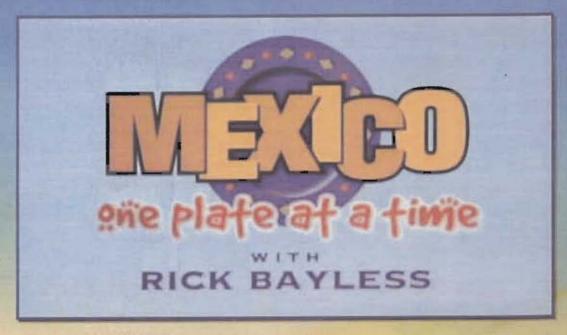
#### Mexico One Plate At A Time

Delicious Mexican inspired meals. Celebrate Cinco de Mayo everyday.

\*Rick Bayless, the famous chef of Frontera Grill and Topolobampo in Chicago will bring Mexico to you! Rick dishes on his favorite spice pastes, chili, and how to use all the ingredients that make a Mexican meal delicious. Tune in to Mexico One Plate At A Time and create a Mexican meal right in your own home.

#### Featured Topics include:

- \*Gourmet Mexican Drinks and Beverages
- Authentic Mexican Products
- \*Mexican Spices and herbs
- \*The Flavors of Mexico
- \*Healthy Mexican Recipes



#### Integration Opportunities (online only)



Feature your brand of kitchen products



Showcase your brand of food in a recipe



Feature your products in a recipe.

**Produced by Frontera Productions** 



MIRROR MIRROR

LET'S DISH

HOME WITH LISA QUINN

ADVICE FOR LIFE

SAY AHH!

**GOTTA KNOW** 

**EVERYDAY LIVING** 

MARY
TALKS MONEY

SAVE MY PLANET

MEXICO: ONE PLATE AT A TIME MY GREEN HOUSE

#### **Everyday Living**

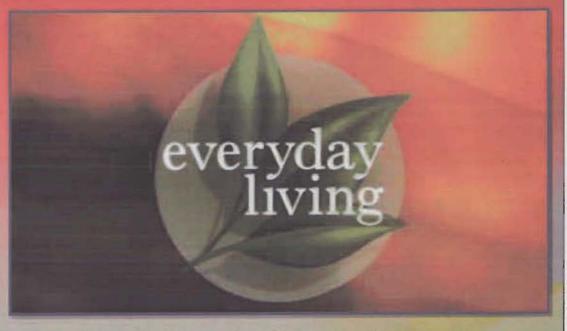
Your Guide To A Green Living.
Check out these Green Living
resources
to help keep you become eco-friendly.

 Whether you're grocery shopping or fixing up your house Everyday Living is your guide to making green-friendly decisions.

#### Featured Topics include:

- · The Future of Food
- Rainwater Harvesting
- Product Purchasing

Produced by KGO-TV/:com





Feature your brand of organic products



Have the host drive your eco-friendly car



Feature your brand of home products as being energy savers



MIRROR MIRROR

HOME WITH

SAY AHH!

# **EVERYDAY LIVING**

TALKS MONEY MARY

LET'S DISH

LISA QUINN

SAVE MY PLANET

ADVICE FOR LIFE PLATE AT A TIME MEXICO: ONE

MY GREEN

HOUSE

### My Green House

An environmentally friendly home one house at a time. refitting and lifestyle show Saving the planet

Let the Green team show you how to make better green choices

# Featured Topics include:

- \*Energy Efficient furnaces
- Solar Water Heaters
- Mowing the Lawn
- Recycling
- Green Meals

Feature your green cleaning products.

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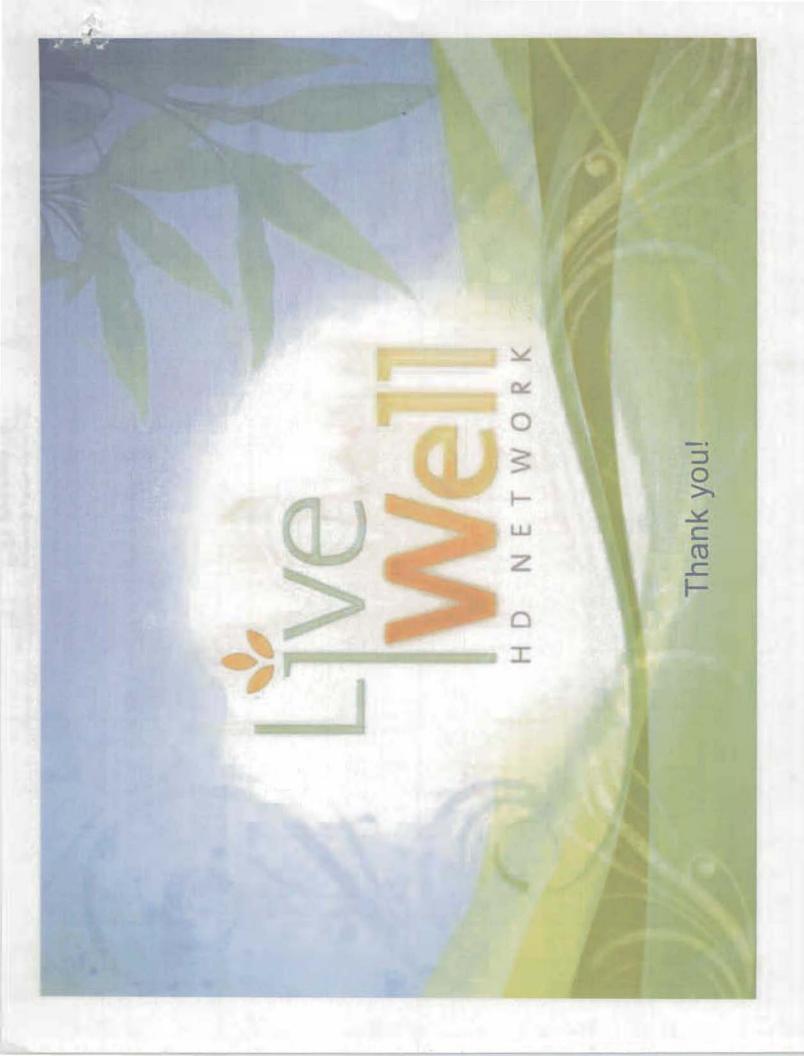
Integration Opportunities (online only

your brand has the Show viewers that energy star label



than they already are Your green brands will help to make

Produced by Program Partners



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